

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF GALVESTON §

WHEREAS, on July 3, 2013, **Sabio Investments LLC**, a Texas limited liability company, and **SI Operating Company LLC**, a Texas limited liability company dba **Hi-5**, ("Grantor") executed and delivered a Deed of Trust and Assignment of Rents (the "Deed of Trust") conveying to **Charles M. Neff, Jr.**, as Trustee, the hereinbelow described property to secure **Independent Bank, the successor by merger with Integrity Bank, SSB**, in the payment of an indebtedness (the "Note") therein described, the Deed of Trust being filed and recorded under Clerk's File No. 2013043378, in the Official Public Records of Real Property of Galveston County, Texas, to which reference is hereby made for all purposes; and

WHEREAS, default has occurred in the payment of the Note and the same is now wholly due, and **Independent Bank, the successor by merger with Integrity Bank, SSB** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

WHEREAS, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **Michael J. Smith, Patricia Poston, Nick Poston, David Poston, Anna Sewart, Keith Wolfshohl, David Barry, Bryon Sewart, Helen Henderson and Melissa Kitchen**, any of whom may act independently as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

NOW, THEREFORE, pursuant to the authority conferred upon me by the Deed of Trust, I, **Michael J. Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and addresses are set out below, will sell the Property at public auction to the highest bidder, for cash, on **Tuesday, May 5, 2020**. The earliest time at which the sale will occur shall be at **1:00 o'clock P.M.** and it may take place not later than three hours after said time, and the sale shall take place in the area which has been designated as the area for foreclosures to take place, being the first floor Lobby of the Galveston County Courthouse located at 722 Moody (21st Street), 1st Floor, Galveston, Galveston County, Texas 77550, which designated area is more particularly described in the Galveston County Commissioner's Court Minutes dated March 15, 2011, and recorded under Galveston County Clerk's File No. 2011013475, in the Official Real Property Records of Galveston County, Texas, or any other area which has been designated by the Galveston County Commissioner's Court as the area for foreclosures to take place. This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures thereon and appurtenances thereto:

- (a) Being a tract of land containing 0.3323 acres (14,474 square feet), situated in the M. Menard Survey, Abstract 628, Galveston County, Texas, conveyed unto Shlomy Padlon, by deed recorded under County Clerk's File No. 2010012499 of the Official Records of Galveston County, Texas, being a portion of Lot 1, of Hi-Five Corner, a subdivision plat recorded in Volume 2006A, Page 205, of the Map Records of Galveston County, Texas. Said 0.3323-acre tract being more particularly described by metes and bounds description on **Exhibit A** attached hereto and incorporated herein as if repeated verbatim.

- (b) all rights, privileges, tenements, hereditaments, rights-of-way, easements, licenses, appendages, and appurtenances in any way pertaining thereto, and rights, titles, and interests of Grantor in and to any streets, ways, alleys, strips of land adjoining the land or any part thereof; and (c) replacements and revisions thereof and thereto and all reversions and remainders therein.

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

SUBSTITUTE TRUSTEES

NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:

Michael J. Smith, Patricia Poston, Nick Poston, David Poston, Anna Sewart, Keith Wolfshohl, David Barry, Bryon Sewart, Helen Henderson and Melissa Kitchen
c/o CHERNOSKY, SMITH, RESSLING & SMITH, PLLC
Attention: **Michael J. Smith**
700 Gemini Ave., Suite 120
Houston, Texas 77058
MJS Telephone: (713) 800-8608
MJS Email: msmith@csrslaw.com

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

Dated this 7th day of April, 2020.



Michael J. Smith, Substitute Trustee
Chernosky, Smith, Ressler & Smith, PLLC
700 Gemini Ave., Suite 120
Houston, Texas 77058
Telephone: (713) 800-8608
Email: msmith@csrlaw.com

EXHIBIT A

BEGINNING at a set 1/2-inch iron rod with cap marked "SURVEY 1" at the intersection of the northwest right-of-way line of Seawall Boulevard (150.00 feet wide) with the southwest right-of-way line of 13th Street (80.00 feet wide) for the southeast corner of said Lot 1, and for the southeast corner of the said tract herein described;

THENCE South $48^{\circ} 15' 00''$ West, with said northwest right-of-way line and the southeast line of said Lot 1, a distance of 187.63 feet to a found "X" in concrete for the southwest corner of the said tract herein described;

THENCE North $16^{\circ} 43' 00''$ West, a distance of 124.84 feet to a set 1/2-inch iron rod with cap marked "SURVEY 1" in the southeast right-of-way line of Avenue N-1/2 (58.00 feet wide), being in the northwest line of said Lot 1, and for the northwest corner of the said tract herein described;

THENCE North $73^{\circ} 17' 00''$ East, with said southeast right-of-way line and the northwest line of said Lot 1, a distance of 170.00 feet to a set 1/2-inch iron rod with cap marked "SURVEY 1" at the intersection of said southeast right-of-way line with the southwest right-of-way line of said 13th Street, for the northeast corner of said Lot 1, and for the northeast corner of the said tract herein described;

THENCE South $16^{\circ} 43' 00''$ East, with said southwest right-of-way line and the northeast line of said Lot 1, a distance of 45.45 feet to the POINT OF BEGINNING and containing 0.3323 acres (14,474 square feet), more or less.

FILED

Instrument Number: *FILED2020000481*

Filing Fee: 23.00

Number Of Pages:6

Filing Date: 04/13/2020 8:50AM

I hereby certify that this instrument was FILED on the date and time stamped hereon
and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in black ink, reading "Dwight D. Sullivan". The signature is written in a cursive style with a horizontal line underneath it.

Dwight D. Sullivan, County Clerk
Galveston County, Texas

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*